

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

Brett A. Currier and	:	
Brenda L. Currier	:	Civil Action No. 18-CV-01204-LM
v.	:	
	:	
Town of Gilmanton	:	
and	:	
Marshall E. Bishop, Individually and	:	
d/b/a Gilmanton Winery and Vineyard	:	
	:	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants Town of Gilmanton and Marshall E. Bishop, by their respective counsel, respectfully submit this Motion for Summary Judgment under Fed. R. Civ. P. 56. In support of this Motion, Defendants state as follows:

1. By their Amended Complaint, Plaintiffs allege four broad claims against the Town and Bishop: Count I for defamation (both Defendants); Count II for violation of RSA 91-A (Town only); Count III for First Amendment violations under § 1983 (both Defendants); and Count IV for violation of the New Hampshire Constitution Part 1, Article 22 (both Defendants).
2. As explained in the accompanying Memorandum of Law, which is incorporated herein by reference, Defendants are entitled to summary judgment on each of the four counts. The undisputed facts demonstrate Plaintiffs cannot prevail on any of their theories of tort liability as a matter of law.
3. Due to the dispositive relief sought herein, Defendants did not seek the assent of Plaintiffs before filing this Motion.

WHEREFORE, Defendants respectfully request this Honorable Court:

- A. Enter summary judgment for Defendants on all of Plaintiffs' claim; and
- B. Grant such other and further relief as this Court deems just and equitable.

Respectfully submitted,

THE TOWN OF GILMANTON

By its attorneys

Dated: December 20, 2021

By: /s/ Jonathan M. Shirley

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**MARSHALL E. BISHOP, INDIVIDUALLY
AND D/B/A GILMANTON WINERY AND
VINEYARD**

By his attorneys

Dated: December 20, 2021

By: /s/ Dona Feeney

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CERTIFICATE OF SERVICE

I certify that a copy of this filing was served via the Court's ECF filing system upon counsel of record.

Dated: December 20, 2021

By: /s/ Jonathan M. Shirley

Jonathan M. Shirley